

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

DR DISTRIBUTORS, LLC, and CB DISTRIBUTORS, INC.	)	
	)	
	)	
Plaintiffs/Counterclaimant,	)	
	)	
	)	
v.	)	
	)	
21 CENTURY SMOKING, INC., and BRENT DUKE,	)	Case No. 3:12-cv-50324
	)	
Defendant/Counterclaim Defendant	)	Judge Thomas M. Durkin
	)	
	)	Magistrate Judge Iain Johnston
21 CENTURY SMOKING, INC.,	)	
	)	
Counterclaimant,	)	
	)	
v.	)	
	)	
DR DISTRIBUTORS, LLC, CB DISTRIBUTORS, INC. and CARLOS BENGOA,	)	
	)	
	)	
Counterclaim Defendants.	)	

**MOTION FOR CLARIFICATION**

Defendants 21Century Smoking and Brent Duke hereby moves to clarify the order (Dkt. #310) that the Court entered this afternoon, following the hearing in the above referenced matter.

1. On May 30, 2019, counsel for defendant filed a Motion to Stay its Response to the Motion for Sanctions, given the disclosure of potential new documents in the Go Daddy server.

2. On May 31, 2019, counsel Stamatis and Shonder filed their Motion to Withdraw their representation of Defendants Duke and 21 Century Smoking, Inc. given a conflict of interest. Duke's other lawyers followed suit.

3. During oral argument today, withdrawing counsel for Mr. Duke outlined the legal, ethical and practical difficulties giving rise to filing a response to the motion to stay given the current situation, in accordance with counsel's obligations to the Court, its perceived conflict with its client, and the pending production of the Go Daddy documents.

4. In the order Your Honor entered today it appears to reflect that the court entered and continued the motion to stay but was silent whether defendants would be required to file a response today as previously ordered.

WHEREFORE, defendants respectfully request this Honorable Court clarify whether the Court expects it to file a Response to the Motion for Sanctions today, or whether in the event client does *not* file its response, whether the Court will preclude it from doing so once it rules on the Motion to Stay.

/s/ Peter S. Stamatis

By: \_\_\_\_\_  
One of their Attorneys

Thomas R. Leavens (Bar No. 1601016)  
Mandell Menkes LLC  
One North Franklin, Suite 3600  
Chicago, Illinois 60606  
(312) 251-1002

Peter S. Stamatis (Bar No. 6217496)  
Law Offices of Peter S. Stamatis, PC  
1 East Wacker Drive, Suite 2350  
Chicago, Illinois 60601  
(312) 606-0045

Travis W. Life (Bar No. 6279244)  
Swanson, Martin & Bell, LLC  
330 N. Wabash, Suite 3300  
Chicago, Illinois 60611  
(312) 321-9100 (general)

Steven S. Shonder (Bar No. 6238090)  
Law Offices of Steven S. Shonder  
1 East Wacker Drive, Suite 2350  
Chicago, Illinois 60601  
(312) 612-5191

**Certificate of Service**

The undersigned certifies that he served the foregoing Motion for Clarification via the courts ECF filing system on this 4<sup>th</sup> Day of June, 2019.